



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

DEC 06 2012

REPLY TO THE ATTENTION OF

SRC-7J

Millard N. Mayhall  
Schroeder Degraw, PLLC  
203 East Michigan Avenue  
Marshall, Michigan 49068

Re: Freedom of Information Act  
FOI Number: 05-FOI-01297-12  
Site: Enbridge Oil Spill  
Talmadge and Kalamazoo Rivers  
Marshall, MI 49068

Dear Mr. Mayhall:

This is the Superfund Division's reply to your letter dated November 2, 2012, which you sent in response to the Superfund Division's October 26, 2012 response to FOIA request 05-FOI-01297-12. In your response letter, you specifically requested a copy of the "Scribe" air-monitoring data for air-monitoring test results conducted in Calhoun County, Michigan, between July 25, 2010 and July 25, 2012, in connection with the Enbridge oil spill.

On November 14, 2012, Charles Mikalian, EPA Region 5 Associate Regional Counsel, telephoned you to further discuss your request. He explained that EPA was unable to provide you with access to the "Scribe" data base, but that EPA was able to provide the air monitoring data which you had requested in an Excel format. You agreed that providing the air monitoring data in an Excel format would satisfy your request and agreed to receive the relevant data extracted from the original "Scribe" database and exported to a spreadsheet.

The US EPA Region 5 Superfund Division is granting you access to the requested data in the form of an enclosed DVD-ROM, as agreed to in the above-mentioned conversation with Mr. Mikalian. We now consider your request satisfied with this disclosure, and appreciate your patience and understanding in this matter.

You may appeal this response to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460 (U.S. Postal Service Only), FAX: (202) 566-2147, E-mail: [hq.foia@epa.gov](mailto:hq.foia@epa.gov). Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address

your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20004. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should include the request number 05-FOI-01297-12. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

You may contact me at (312) 886-4465 should you have any questions concerning this request. Other concerns should be directed to Evette Jones, Chief, Enforcement Services Section #3 at (312) 886-7572.

Sincerely,




Todd Quesada  
US EPA Superfund Division  
Librarian / SFD Records Manager

Enclosures

cc: Region 5 FOIA Office, MRI-9J  
FOIA File

RECEIVED

DEC 10 2012  
  
SCHROEDER DEGRAW

ENCLOSURE

1 DVD-ROM with 11 items (dated 11/28/2012)

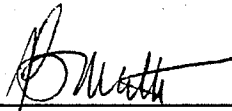
Ten (10) Portable document  
format (pdf) files & one (1)  
Microsoft Excel spreadsheet  
(.xlsx).

### AUTHENTICATION

I, Bharat Mathur, certify that I am the Deputy Regional Administrator of the United States Environmental Protection Agency, Region 5, (EPA) and that the attached document is a DVD-ROM containing a true, correct and compared copy of the Excel Spreadsheet sent to you by EPA via letter dated December 6, 2012, a copy of which spreadsheet is in my official custody pursuant to 40 C.F.R. §2.406.

Please note: Do not cut or damage the blue ribbon. Any tampering with this Authentication and Certification "package" will nullify this authentication.

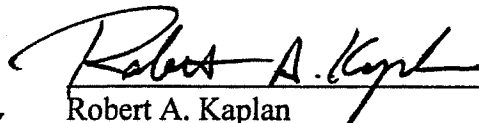
Subscribed under penalty of perjury on October 24, 2013



Bharat Mathur  
Deputy Regional Administrator  
U.S. Environmental Protection Agency  
Region 5

### CERTIFICATION

I, Robert A. Kaplan, certify that I am the Regional Counsel of the United States Environmental Protection Agency, Region 5, that I am the designee of the General Counsel for the purpose of executing certifications under 40 C.F.R. §2.406, that I have duties throughout the jurisdiction of Region 5 of the United States Environmental Protection Agency, and that the official whose signature appears above has legal custody pursuant to 40 C.F.R. §2.406 of the original documents as witnessed by my signature and the official seal of the United States Environmental Protection Agency which appear below.



Robert A. Kaplan  
Regional Counsel  
U.S. Environmental Protection Agency  
Region 5

Date: October 22, 2013

